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Attorneys for the Plaintiffs and Proposed
 Settlement Class

**UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA**

**IN RE: MIDLAND CREDIT
 MANAGEMENT, INC.,
 TELEPHONE CONSUMER
 PROTECTION ACT LITIGATION**

Case No. 11-md-2286-MMA (MDD)

Member cases: 10-cv-02261
 10-cv-02600
 10-cv-02368
 10-cv-02370

**DECLARATION OF PLAINTIFF
 EDUARDO TOVAR IN SUPPORT
 OF PLAINTIFFS' UNOPPOSED
 MOTION FOR PRELIMINARY
 APPROVAL OF CLASS ACTION
 SETTLEMENT AND
 CERTIFICATION OF
 SETTLEMENT CLASS**

Judge Michael M. Anello

I, EDUARDO TOVAR, declare:

1. I am one of the named Plaintiffs in the above captioned consolidated Multi-District Litigation class action against Midland Funding, LLC ("Midland Funding"), Midland Credit Management, Inc. ("MCM"), and Encore Capital

1
2 Group, Inc. ("Encore") (collectively referred to as "Defendants"). If called as
3 a witness, I would competently testify to the matters herein from personal
4 knowledge. I am filing this declaration in support of our request for
5 Preliminary Approval of the settlement.

- 6 2. I, through my counsel, brought a class action by and through my attorney's
7 David P. Schafer, Brian J. Trenz, and Kira M. Rubel against Defendants on
8 December 17, 2010 in the United States District Court for the Southern
9 District of California, claiming violation of Section 227(b)(3)(B) of the
10 Telephone Consumer Protection Act ("TCPA"), codified at 47 U.S.C. § 227
11 *et seq.* The complaint alleged that Defendants violated the TCPA by
12 robocalling my cellular telephone, or using an artificial or prerecorded voice,
13 while attempting to collect a debt without my prior express consent to do so.
14 My case was subsequently transferred to this Court for coordinated and
15 consolidated proceedings.

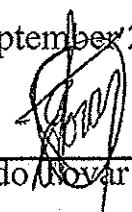
16 FAIRNESS OF SETTLEMENT

- 17 3. I have reviewed and signed the Settlement Agreement and have discussed the
18 settlement with my counsel. I believe the settlement is fair and reasonable. I
19 request that the Court approve the settlement. I am willing to serve as a class
20 representative and desire to be appointed as such for purposes of the
21 settlement. I understand the obligations of serving as a class representative; I
22 have represented, and will represent, adequately the interests of the putative
23 class, and I have retained experienced counsel. I understand my tasks as a
24 class representative and I have participated throughout this litigation in the
25 belief I was helping all other persons similarly situated.
- 26 4. I understand that my attorneys have requested that the three class
27 representatives be awarded incentive payments of up to \$2,500 each (total of
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1
2 \$7,500) to be paid from the Settlement Fund. I understand that any such
3 award has to be approved by the Court.

- 4 5. I support the request of my attorneys, Edelman, Combs, Lattuner &
5 Goodwin, LLC and Law Offices of Douglas J Campion, APC to be
6 confirmed as class counsel for purposes of this action and for purposes of
7 proceeding with the settlement.
- 8 6. I am not aware of any legal differences between me and the members of the
9 settlement class, nor any unique facts about myself that are different from the
10 members of the class for purposes of settlement and certifying a settlement
11 class. To my knowledge, I have no interests in conflict with any other class
12 members.
- 13 7. The claims asserted on my behalf in the Consolidated Complaint appear to be
14 the same as the claims of the other class members, and my claims relate to
15 the same issues of law and fact as the other class claims.

16 I declare under penalty of perjury that the foregoing is true and correct.
17 Executed under the laws of the United States on September 2, 2015.

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20 Eduardo Tovar
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